

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEITH DEON BRUMFIELD,

Case No. 2:24-cv-00652-GMN-EJY

Petitioner,

v.

ORDER

BRIAN WILLIAMS, et al.,

Respondents.

Petitioner Keith Deon Brumfield, a Nevada prisoner, commenced this habeas action by filing a Petition for Writ of Habeas Corpus (ECF No. 9). This matter is before the Court on Brumfield’s Motion for Leave to File a Second Amended Petition for Writ of Habeas Corpus (“Motion” (ECF No. 19)). Respondents filed a Notice of Non-Opposition to Brumfield’s Motion. (ECF No. 20.)

Following appointment of counsel, this Court previously granted Brumfield’s unopposed motion for an additional 62 days to file an Amended Petition by December 16, 2024. (ECF Nos. 16; 17.) Brumfield tentatively calculated the federal statute of limitations under 28 U.S.C. § 2244(d) may expire on November 7, 2024, and filed a protective First Amended Petition on that date. (ECF Nos. 17; 18; 19 at 2.)

In his current Motion, Brumfield seeks leave to file a Second Amended Petition, and 90 days after the entry of this Order to do so, to ensure he has a reasonable opportunity to file a petition that reflects his counsel’s thorough review, research, and investigation into this case. (ECF No. 19 at 2–3.) Brumfield furthermore requests the Court waive the requirement of LR 15-1(a), that he attach the proposed Second Amended Petition to his Motion, claiming the rule is ill-suited to his circumstance.

The Court finds that there is good cause for Brumfield to file a Second Amended Petition and to waive the requirement of LR 15-1(a) under the circumstances. This Order does not, however, affect, in any manner, the operation of the statute of limitations in this case, and the

1 Court does not intend this Order to convey any opinion whatsoever about when the limitations
2 period expires (or expired).

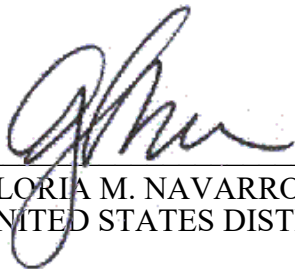
3 It is therefore ordered that Petitioner Keith Deon Brumfield's Motion for Leave to File a
4 Second Amended Petition and for a scheduling order (ECF No. 19) is GRANTED. Petitioner
5 will have 90 days from the date of entry of this Order to file a Second Amended Petition.

6 It is further ordered that Respondents are not required to respond to the First Amended
7 Petition unless Petitioner fails to file a Second Amended Petition.

8 It is further ordered that in all other respects the schedule for proceedings set forth in the
9 order in this case entered on August 16, 2024 (ECF No. 15) will remain in effect.

10 DATED: November 22, 2024

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GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE